



Missouri Department of Natural Resources

MINUTES

MISSOURI SOIL AND WATER DISTRICTS COMMISSION

DNR CONFERENCE CENTER

JEFFERSON CITY, MISSOURI

June 30, 2005

COMMISSION MEMBERS PRESENT: John Aylward, Kathryn Braden, Elizabeth Brown, Richard Fordyce, Leon Kreisler

EX-OFFICIO MEMBERS: DEAN THOMAS PAYNE, UNIV. OF MISSOURI: David Baker; **JOHN HOSKINS, DEPT. OF CONSERVATION:** Brad McCord; **FRED FERRELL, DEPT. OF AGRICULTURE:** Dan Engemann; **DOYLE CHILDERS, DEPT OF NATURAL RESOURCES:** Scott Totten

ADVISORY MEMBERS PRESENT: SOIL & WATER CONSERVATION PROGRAM: Sarah Fast; **NRCS:** Roger Hansen; **MASWCD:** Steve Oetting

STAFF MEMBERS PRESENT: Davin Althoff, Milt Barr, April Brandt, Allan Clarke, Chris Evans, Adam McGhee, Gina Luebbering, Joyce Luebbering, Dean Martin, Theresa Mueller, Marcy Oerly, James Plassmeyer, Josh Poynor, Jeremy Redden, Ron Redden, Kevin Scherr, Judy Stinson, Ken Struempf, Lindsay Tempinson, Chris Wieberg, Bill Wilson

OTHERS PRESENT: DISTRICTS: COLE: Gary VanDeVelde; DENT: Cindy Mannis, William Shaw; STONE: Elmer Curbow, Fern Langston, Matt Langston; **STATE OF MISSOURI: ATTORNEY GENERAL'S OFFICE:** Zora Mulligan; **OTHERS: FARM BUREAU:** Kelly Smith; **MASWCD:** Peggy Lemons; **INDIVIDUALS:** Matt Baumoe, Tony DeLong

A. CALL TO ORDER

Chairman Elizabeth Brown called the meeting to order at the DNR Conference Center in Jefferson City, Missouri, in the Bennett Spring/Roaring River Room at 8:37 a.m.

B. MINUTES OF THE LAST MEETING

Richard Fordyce made a motion to approve the minutes of the May 24, 2005 commission meeting as mailed. Kathryn Braden seconded the motion. When asked by the chair, John Aylward, Kathryn Braden, Richard Fordyce, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

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C. ELECTION OF OFFICERS

Mr. Totten opened the floor for nominations for the position of Vice-chair of the commission. Leon Kreisler nominated John Aylward. Kathryn Braden seconded the nomination. By acclamation John Aylward was voted as Vice-chair.

D. PLANNING

1. Strategic Planning

Dean Martin presented a brief review of the commission's *Plan for the Future*. Mr. Martin stated that at the Area Meeting the plan would be reviewed with the districts.

The major components of the plan are the executive summary; introduction, background and values; goals and objectives; implementation; and appendices. Mr. Martin stated that one item that changed was that values were rolled into the introduction and background. He stated the values were why the commission was engaged in the planning process, and why the people in the districts and stakeholders involved think what the commission is doing is important.

The executive summary is a quick overview of all the components of the plan.

The introduction, background, and values are the second major component of the plan. Mr. Martin proceeded to give the commission some background on the planning process. This is an update of the 1994 plan that was started in 1993. The *Plan for the Future* has been used by the commission to help in its deliberations over the past several years. The early version of the *Plan for the Future* was part of the tax renewal discussions in 1996. This comprehensive update involved an inclusive process including Area Meetings, Annual Training Conference, commission meetings, a steering committee of stakeholders, etc. A lot of views were brought into the process to find out what people's concerns were and where they wanted to go in the future. The values noted were to conserve our natural resources, to meet the needs of landowners, and accountability. These were rolled into the introduction, background, and values.

Under the goals and objectives there were two major goals. The land stewardship part, which in an earlier version was listed as a major goal, has now been placed in the implementation part of the plan. The first of the two main goals is soil conservation - to conserve the productive power of Missouri's agricultural land for current and future generations by preventing and reducing soil erosion. The second goal is water conservation and clean water - to maintain, improve and

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protect the water quality of Missouri's streams and lakes by supporting locally led, watershed-based projects that provide landowners, districts, and communities with the information and resources they need.

Under implementation there were a number of aspects about how to implement the plan, and how to make it happen. These aspects include program delivery through effective and efficient soil and water conservation districts, education and outreach, decision-making based on sound science, understanding land use changes, fiscal accountability, information management, and organizational capacity building.

Mr. Martin stated that the draft plan would be presented and discussed at the Area Meetings in August. In September or October after review, the commission could decide whether to adopt it. In November at the Annual Meeting, it is hoped to have a completed non-draft *Plan for the Future* that can be provided to the Annual Meeting participants for use and discussion.

Elizabeth Brown stated the plan sounded pretty comprehensive to her. Leon Kreisler stated the change on the land use was very positive. Richard Fordyce asked if an increase in the appropriation of SALT dollars would affect the cost-share appropriation. Sarah Fast answered that would be up to the commission as to how they would want to do that. Typically the growth in the sales tax and the program take care of that, but the commission would have the authority to change programs if desired. Ms. Fast stated that at the Area Meetings last year the feedback was to have more money for SALT.

E. REVIEW/EVALUATION

1. Land Assistance Section

a. Cost-Share

1. Monthly Cost-Share Usage and Fund Status Report

Ron Redden reported that districts have been allocated approximately \$24,000,000 for use in the present fiscal year. It was projected that only \$20,000,000 of the allocated funds would be claimed. The projection was based on amounts claimed in previous years in relation to the total allocations made available to the districts.

As of May 31, 2005, \$13,500,000 in claims had been processed, which was \$3,500,000 short of the projected \$17,000,000.

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As of June 28, 2005, the program office had received \$18,500,000 in claims, which was \$500,000 more than the same time last year.

2. Review of Eligible Land Requirements

Ron Redden presented an information report on what the requirements are for land to be eligible for state cost-share practice.

Mr. Redden stated that he would briefly go over some of the problems the district were experiencing regarding eligibility and what some of them were doing to be fair, yet provide assurance that the cost-share funds would actually be used to address erosion problems on agricultural land.

The commission's rule in the definitions portion states, "Farm shall mean a tract of land three acres or more in size on to which agriculture activities are normally performed or a tract of land of any size from which \$1,000 or more of agriculture products are normally sold in a year."

Commission policy states, "In order to be eligible for cost-share, the land upon which the practice will be installed must be assessed as agricultural or land having an FSA farm number producing agricultural commodities." (FSA does not require land to be assessed as agricultural to receive a farm number.)

Both the rule and the policy are fairly broad and general in nature. Because of this, practically all land meets one or the other minimum eligibility requirement, and this can cause problems in areas where resource needs exceed the available funding. A big problem for districts is increased demand for structures on small acreage or hobby farms.

The question that boards face is that even if there is a gully on the land, is the land being used for agricultural productivity and should they limit cost-share. Because of this, some boards have developed and implemented their own policies that are more restrictive than the rule or policy. Policies that have been developed by district boards to address this situation included limiting cost-share to landowners who own more than 20 acres and

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requiring landowners to provide a copy of the previous year's IRS form F (Schedule of Farm Profit/Loss) to document \$1,000 in agricultural commodity sales. Mr. Redden stated that some districts did not know that they could develop administrative policies that were stricter than the rule or policy.

John Aylward asked if the program was getting any information from the districts about changes. Mr. Redden answered that they had not asked for any changes, but some have voiced their concerns, especially the counties that neighbor St. Louis and Jackson Counties. Elizabeth Brown stated that in her county they set their own priorities. Mr. Redden informed the commission that he had not received any comments that the commission needed to change their policy or rule.

E. REQUESTS

1. District Assistance Section

a. Supervisor Appointments

1. Platte SWCD

Jeremy Redden presented a request from the Platte Co. SWCD to appoint Gary Oberdiek to fill the unexpired term of Ken Bruene.

Ken Bruene resigned from the board because he sold his farm in Platte County. Mr. Oberdiek met all the requirements to serve as a supervisor on the SWCD board.

Kathryn Braden made a motion to approve the board's request. Richard Fordyce seconded the motion. When asked by the chair, John Aylward, Kathryn Braden, Richard Fordyce, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

2. Pemiscot SWCD

Chris Evans presented a request from Pemiscot SWCD to appoint Mike Crafton to fill the unexpired term of Steve Cole.

Steve Cole resigned due to unforeseen circumstances. The Pemiscot SWCD employed Mr. Crafton from March 1990 until May 2002.

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John Aylward made a motion to approve the board's request. Leon Kreisler seconded the motion. When asked by the chair, John Aylward, Kathryn Braden, Richard Fordyce, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

3. Cedar SWCD

Josh Poynor presented a request from Cedar SWCD to appoint Chris Johnson to fill the unexpired term of Jimmie Swaggerty.

Mr. Swaggerty suddenly passed away on May 27, 2005. Chris Johnson is a district cooperator and would be an asset to the district.

Kathryn Braden made a motion to approve the board's request. Richard Fordyce seconded the motion. When asked by the chair, John Aylward, Kathryn Braden, Richard Fordyce, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

b. Cass SWCD - Second Budget Revision Request

Jim Plassmeyer presented a request from Cass SWCD for a budget revision. The district asked to revise their budget for a second time. In a letter from the district, they requested the budget revision due to covering the payroll for their part-time data entry person. The district wanted to transfer \$338.56 from their technical fund and \$2,000 from their administrative fund to their management fund. This would allow the district to better utilize their district assistance allocation.

Mr. Plassmeyer stated that districts are allowed to revise their budget once before the end of January. He also reminded the commission that previously the commission gave staff authority to approve first time requests that were received after the deadline. Requests to revise budgets after that date have previously been brought to the commission for approval.

Kathryn Braden asked if staff had any problems with the funds covering payroll. Mr. Plassmeyer answered no.

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Kathryn Braden made a motion to approve the request. John Aylward seconded the motion. When asked by the chair, John Aylward, Kathryn Braden, Richard Fordyce, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

c. Schuyler SWCD – Second Budget Revision Request

Jim Plassmeyer presented a request from Schuyler SWCD for a second budget revision. In a letter dated June 8, 2005, the district requested the revision to purchase needed supplies and equipment. The district wanted to transfer \$1,566.73 from their management fund and \$823.33 from their technical fund for a total of \$2,399.06 to the administrative fund.

Richard Fordyce made a motion to approve the request. Kathryn Braden seconded the motion. When asked by the chair, John Aylward, Kathryn Braden, Richard Fordyce, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

d. Ste. Genevieve SWCD – Matching Grant Request

Jim Plassmeyer presented a request from Ste. Genevieve SWCD to add a ground force post-hole digger to the list of eligible items to be purchased with a matching grant for FY06. The intent of the matching grant program is to provide an incentive for districts to develop local sources of funding through a 1:1 matching grant to stimulate new and/or continued local funding for programs and activities.

At the beginning of the fiscal year, each district has \$5,000 available to them for a 1:1 matching grant. They have to submit proposals for how they wish to spend the money. Proposals can be submitted in seven different categories. The categories are operation/info-ed, office equipment/furniture, field equipment, machinery, management salaries, technical salaries, and info/ed specialist salaries. After program staff approves the proposal, the districts can purchase the items submitted on the proposal and then submit a claim against the matching grant proposal with their quarterly report. When the expense on the proposal is claimed, the commission will match the expense dollar for dollar, up to a maximum of \$5000. Districts have until the end of the fiscal year to make the purchases that are on the matching grant proposal.

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The ground force post-hole digger that Ste. Genevieve SWCD requested is not on the list of eligible machinery and this is the first time this equipment has been requested in the matching grant program. Some of the items on the eligible machinery list include no-till drill and planter, mulcher, rotary cutter, sprayer, seeder, soil aerator, bermuda grass sprigger, and lagoon agitator. Most of the machinery items purchased with a matching grant are rented out to landowners by the districts to generate local funds.

In the letter from the district, they stated that the ground force post-hole digger was needed to go with the woodland exclusion-fencing program (DFR-5) and fencing ponds (DWC-1). The district also stated that there had been several people who had expressed interest in renting the digger. The letter also stated they had concerns about licensing the trailer until they actually purchased the digger. The district worked out the issue with the trailer so that it would be titled under the company's name until the district pays for it. The total cost for this was \$5,245.32, which includes the post-hole digger, two augers, extra teeth, and a trailer. The matching grant eligibility was \$2,622.66.

John Aylward made a motion to approve the board's request to add the post-hole digger to the list for matching grants. Kathryn Braden seconded the motion. When asked by the chair, John Aylward, Kathryn Braden, Richard Fordyce, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

Ms. Brown stated her concern was who had liability while the district did not have the title. Mr. Plassmeyer stated it was titled in the original company's name. Mr. Kreisler asked if a county wanted to rent a piece of equipment that they did not have from a county that did, could they. Mr. Plassmeyer answered that the local boards set their own policy for that.

2. Land Assistance Section

a. Cost-Share

1. Saline SWCD – Tile on an Existing Terrace System

Allen Clarke presented a request from Saline SWCD asking the commission to authorize cost-share to extend the underground tile outlets on an existing terrace system.

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State cost-share policy states, "If the board of supervisors desires to approve cost-share assistance for installation of tile in an existing waterway or terrace, they must obtain approval from the commission. NRCS must certify that the existing waterway or terrace requires the addition of tile to preserve the life span of the practice, or that the tile is necessary to control erosion. The maintenance life span of the practice starts when the board approves the claim for the tile installation."

In a letter dated April 26, 2005, the board stated that the terrace outlet systems were installed on the property owned at the time by Lynda Borth, Ina Dorset, Randall Page, and Pam Smith. Lynda Borth, and Ed and Ina Dorset now own the property.

Mr. Louis Plattner owns the property adjacent to and down stream from the Lynda Borth et al property. The Lynda Borth et al terrace system's underground outlets were constructed to the property line emptying onto Mr. Plattner's farm. The tile outlets were not extended across the Plattner's farm at the time, because of the lack of communication between the landowners. According to NRCS an erosion problem existed on the Plattner's farm prior to the upper fields being terraced, but it was caused by the drainage from the upland of the Borth et al farm. NRCS also indicated that the erosion problem would be resolved by extending the tile on the terrace system to a suitable outlet.

The district conservationist assessed the problem and estimated the total cost for the tile outlet extension to be \$2,875, of that amount, the cost-share would be \$2,156.

Mr. Clarke stated that in the past the commission has approved similar requests and he asked if the commission would want to give staff the authority to approve similar requests in the future.

Kathryn Braden made a motion to approve the board's request, because she felt that these needed to be reviewed on their merit. Failing to receive a second, the motion died.

Richard Fordyce made a motion to approve the board's request and give staff the authority to approve similar requests in the future. John Aylward seconded the motion.

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Ms. Braden reiterated her concern. John Aylward stated that he felt that in a situation that staff was not sure about that they would bring it to the commission. Steve Oetting asked if this would only be for Saline County or for all soil and water districts, and Ms. Brown stated she presumed it would be for all districts. Sarah Fast stated it would be for all districts, and it would be this type of issue.

A poll vote was taken. John Aylward, Richard Fordyce, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and Kathryn Braden voted against the motion. The motion passed.

2. New Madrid SWCD – Cost-Share for Weir Boxes

Ron Redden presented a request from New Madrid SWCD requesting cost-share assistance for the construction of weir boxes on drop pipe structures completed under the Sediment Retention, Erosion, or Water Control Structure (DWP-1) practice.

Commission policy states that, “cost-share can only be paid based upon the actual cost of the minimum and necessary components needed to install the practice in accordance with NRCS standards and specification. In addition, when the application is approved, the technician indicates that the quantities requested are needed, practical, and are of minimum extent to control the erosion.

Mr. Redden proceeded to give background on the practice in regard to southeast Missouri. The drop pipe structure is used extensively in southeast Missouri. For some districts it is the only practice they do. Until last fall all of the districts completed this practice with three components: pipe, installation (including welding), and an elbow. Mr. Redden stated that last fall several New Madrid DWP-1 claims were approved that included a weir box. This spring it was noticed that several districts had included this component and added it to their cost-share docket, but they had not used it.

Weir boxes were originally added to the state list for wetland creation/management, and New Madrid added it to their DWP-1 docket. Mr. Redden stated he had discussed the weir box issue

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with the NRCS area engineer and according to him, the \$500 weir box does not outperform an \$85 elbow from an erosion standpoint. He did indicate that weir boxes are a valuable asset for irrigation water management to reduce tailwater and they create a winter waterfowl habitat by holding water on the rice fields for ducks; however, an elbow serves to meet the technical requirement for vertical stabilization for drop pipes constructed in southeast Missouri.

Mr. Redden stated the issue was the use of state cost-share funds for a weir box when an elbow would meet NRCS standards. Even though the weir box was a benefit for wildlife or irrigation, it did not provide any additional benefit for erosion prevention. It was pointed out that weir boxes are an eligible component in SALT projects, but only because of the water quality benefits associated with the management of irrigation water.

In New Madrid's letter they addressed the use of cost-share for water quality.

Roger Hansen stated this was a program decision for the commission, not so much of a technical issue, but as agriculture continues to evolve in the Bootheel, there is a movement to do other things with the rice fields. With a weir box they can adjust the water level for various purposes, such as wildlife, water quality, and crop benefit. John Aylward asked if the Southeast counties were using all their cost-share money. Mr. Redden answered that some were and some were not. Mr. Aylward stated that if the district felt like they needed it, and since they were not receiving additional funds, then they would know what was needed. Elizabeth Brown asked if this would encourage the use of weir boxes in places where they were not needed; Mr. Redden answered that he did not think so. Leon Kreisler stated that in the past the commission had considered doing contour terraces rather than parallel terraces as a benefit to the landowner to encourage them to do the practice, so he felt there was not much of a difference with this.

Leon Kreisler made a motion to approve the landowners request to construct weir boxes instead of elbows at their choice. Kathryn Braden seconded the motion.

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Sarah Fast asked if the motion was to allow the landowner to do weir boxes instead of an elbow, Mr. Kreisler answered it would be at their choice.

Richard Fordyce asked if the cost-share limit was going to be left at the cost of the elbow, and Mr. Aylward answered no, cost-share on a weir box.

When asked by the chair, John Aylward, Kathryn Braden, Richard Fordyce, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

- 3. Lafayette SWCD – Exceed the \$8,250 Maximum on a DWC-1**
Joyce Luebbering presented a request from Lafayette SWCD for additional cost-share assistance for a Water Impoundment Reservoir (DWC-1).

Commission policy states that the maximum cost-share assistance that can be paid for a water impoundment reservoir is \$8,250.

In a letter dated April 7, 2005, the board requested that the commission make an exception to policy by approving \$10,000 in cost-share for construction of a DWC-1. If approved, the landowner would not be eligible for district cost-share in FY07, due to the \$5,000 per year district limit. The letter also stated that gully erosion was occurring at a rate of 140 tons of soil per year. The drainage area equals 25 acres with 1.9 acres of permanent pool. The DWC-1 would stabilize the end of the waterway and bank.

A letter from the district technician stated an original smaller structure was designed, but the landowner requested the structure be moved downstream to encompass an additional ditch. The district technician also pointed out that a larger structure would be more feasible financially and technically. The estimated cost for the single structure was \$19,658.58, of that amount the landowner would be responsible for \$9,658.58.

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Ms. Luebbering stated that the commission had both approved and denied similar request where a larger structure was being requested to replace multiple smaller structures.

Roger Hansen stated that their engineers had looked at both sites, and the two smaller sites would cost more than the large structure. The large structure would take care of both gullies. Steve Oetting stated the reason for the \$10,000 request was that the district has a \$5,000 limit per year. But they would give the landowners the opportunity to bring forth the next year allocation. In this case it would be \$10,000 and the landowner knows that he would not be eligible for state cost-share the following year.

Richard Fordyce made a motion to approve the board's request. Kathryn Braden seconded the motion. When asked by the chair, John Aylward, Kathryn Braden, Richard Fordyce, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

4. Dent SWCD – Exception to the Commission's \$60/Acre Policy on the DSP-3

Marcy Oerly presented a request form the Dent SWCD asking the commission to allow a variance to their policy and allow a landowner to exceed the \$60 per acre limit on the DSP-3, or Planned Grazing System practice and to forgive an overpayment on a previous DSP-3 practice.

Commission policy concerning this issue states, "Each application is not to exceed 75 percent of the actual or county average costs up to \$60 per acre for all components and for the total number of acres in the entire system. A maximum of \$9,000 in cost-share is allowed per landowner for all farms owned by that landowner through this practice. The pond and well limitation of \$3,500 is exempt from the \$60 per acre maximum but is still included in the \$9,000 practice maximum."

In June 2004, two claims were submitted for Ms. Darling, one was for a DSP-3 grazing system serving 104 acres for a total of \$5,026.34 in cost-share and the other was for a DSP-3 grazing

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system with a pond serving 30 acres for a total of \$2,199.84. The total for the two claims was \$7,226.18.

In May 2005, another DSP-3 claim for Ms. Darling, in the amount of \$820.57, was submitted. This claim indicated that 100 acres were being served. When it was reviewed, staff discovered that the same fields were being reported as being served as the previous two claims. The district was contacted and it was then discovered that an error was made in calculating the total acres, and Ms. Darling should have only been allowed cost-share on 94 acres. The amount for the 94 acres would have been \$7,035 rather than the \$7,226.18 that she received, which was an overpayment of \$191.18. Due to the error, staff denied payment on the last DSP-3 that was submitted. The total cost-share for that claim was \$820.57.

The board's letter stated that the error was in the calculation of the total acres and the remaining funds available for Ms. Darling and was no fault of the landowner. The district indicated they took full responsibility and felt the landowner acted in good faith and should not be penalized for the error.

Ms. Oerly noted that since this had occurred the district had implemented a DSP-3 tracking system in order to avoid this type of error in the future.

If approved, Ms. Darling would exceed the \$60 per acre limitation, but not the \$9,000 maximum. In the past, the commission has approved these types of request, but has reduced the district's next fiscal year cost-share allocation by the amount of the district's error.

The policy that the commission implemented in November 2004 states, "In cases of appeal where a district board approved a landowner that was outside the commission's DSP-2 or DSP-3 policies concerning time, dollar, or acre limitations, the program office staff will process the claim. However, the commission will deduct the cost-share that the landowner is due to receive from the district's cost-share allocation. In instances where the district's allocation has already been fully obligated, the cost-share funds

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would be deducted from the district's cost-share allocation for the next fiscal year."

This policy would not penalize the landowner, but may persuade the district to be more careful when checking a landowner's eligibility.

Kathryn Braden asked how many acres the landowner had ended up with, Ms. Oerly answered there were 94 acres in the DSP-3.

Leon Kreisler made a motion to approve the request but reduce the district's FY06 cost-share allocation by the overage amount, for a total of \$1,011.75. John Aylward seconded the motion. When asked by the chair, John Aylward, Kathryn Braden, Richard Fordyce, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

E. APPEALS

1. Special Area Land Treatment (SALT)

a. Stone SWCD – Operator Signing for Landowner for Nutrient Management

Davin Althoff presented an appeal from a Stone County landowner for six N590 Nutrient Management claims denied payment. The claims were denied when staff noticed that the name on the original claims was not the same as the name on the receipts attached to the claims.

The commission's policy for the N590 Nutrient Management requires the financial incentive to be paid to the individual farming the land and incurring the cost of implementing the nutrient management plan.

Staff received six N590 Nutrient Management claims on June 6, 2005 for an Edna Delong for Farm #682, Tract #1162. While reviewing the claims, staff noticed that the receipts on each claim were for a Larry Delong.

According to commission policy, "the eligible participant (operator or landowner) must be currently farming the land and incurring the expense of implementing the nutrient management plan." The commission set the policy at the September 10, 2003 meeting, when staff informed the commission of operators (farmers leasing land) that were signing up multiple landowners for Nutrient Management, Pest Management and

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Waste Utilization. The landowners would typically sign the checks over to the operators after they received them in the mail. In addition, staff would receive calls from landowners that received 1099(s) in the mail; however, the operators received the monies because the checks were signed over to the operators. There were instances when a single operator had received over \$70,000 of SALT funds in one year through the Nutrient Management, Pest Management, and/or Waste Utilization practices by signing up multiple landowners. To implement the commission's policy, staff requires receipts for the N590 Nutrient Management, N595 Pest Management, and N633 Waste Utilization practices for verification of the individual farming the land and incurring the expenses. This policy not only requires landowners to abide by the commission's financial limits for the management practices but also requires operators leasing farms to abide by the limits.

On June 9, 2005, Stone County indicated that Ms. Delong was the operator of the farm. The Farm Service Agency in Christian County indicated that landowner for Farm #682 and Tract #1162 was Della Payne/Edna Delong and the operator was Larry Delong. At that point Stone County was informed of the information received from the Farm Service Agency and that the claims would be denied.

According to a letter from Ms. Delong, she and Larry Delong operate on a joint checking account known as Delong Farms. Furthermore, the letter mentions that Edna's name is on a few of the load out tickets for the fertilizer. The information presented to the commission did list Ms. Delong on the checking account, but Larry Delong signed all the checks. The joint account listed Larry Delong and Edna Delong doing business as Delong Farms.

Mr. Althoff stated that if this was a partnership and all the business is handled through the Delong Farms account, then the cost-share application should be signed up as Delong Farms and limited to the limit of \$3,000 per year, per operator and/or farm.

If Edna Delong and Larry Delong were not operating as a partnership under Delong Farms and Edna's name was merely listed on the account as a survivor, then staff would need verification that Edna is the operator of her farm. After discussing the issue with the district on June 9, 2005, staff learned that the Delong's had contacted the Farm Service Agency to

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change the operator of the Edna Delong farm from Larry Delong to Edna Delong.

Tony Delong stated that his mother was the operator of the farm in question. He assured the commission that Larry Delong was not the operator of the farm. He indicated that they do have a joint account for the farm. Mr. Delong pointed out that in a letter from Edna Delong it explained how long she had been operating and managing the farm. He stated the plan that was laid out for the farm was done by NRCS. He proceeded to review a plat that showed the commission where the farms were and who owned them.

When asked if the name had been changed on the platt to reflect that Edna Delong was the operator, Mr. Delong stated it had.

Fern Langston from Stone County stated that there were papers from the Farm Service Agency indicating that Edna Delong was the operator and owner of the farm in question. At the time, Edna Delong did not realize that her name had not been changed. Ms. Langston indicated that they had contacted the Farm Service Agency and they did not have her listed, they had Della Payne, so Edna Delong had it changed.

Richard Fordyce stated that Larry Delong operates his own farm and Edna Delong operates her own. Ms. Langston stated yes and they are separate farms. Ms. Langston reiterated that when the fertilizer was going up, Larry Delong went in and purchased the fertilizer needed. When they started to spread it, the load out tickets were in her name and her field numbers.

Richard Fordyce made a motion to approve the landowner's appeal and pay the six N590 Nutrient Management claims for a total of \$2,520. Kathryn Braden seconded the motion. When asked by the chair, John Aylward, Kathryn Braden, Richard Fordyce, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

2. Cost-Share

a. Douglas SWCD – Exception to the Cancelled Check Policy

Ron Redden presented an appeal from the Douglas SWCD asking the commission to make an exception to the cancelled check policy.

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Commission policy requires that any invoice in excess of \$500 must be accompanied by a cancelled check or other program approved document. Other approved documents include a cashiers check, bank statement, money order, etc.

The landowner was approved for a Woodland Protection through Livestock Exclusion (DFR-5) practice. When he purchased his fencing materials and the costs were included on an invoice that totaled \$971.01. The bill indicated that it was a cash sale.

In a letter dated May 23, 2005, the Douglas SWCD Board indicated they did not know that invoices over \$500 could not be paid for in cash. The district manager noted that since the total claim was in the amount of \$263.75, the amount spent on the practice components at the MFA was under the \$500 limit. The letter also stated that the landowner's labor alone would exceed the cost-share received, because of this, the district hoped that documentation of the invoice would not be necessary.

The fact that the landowner's labor charge was more than the county average cost does not relieve him of his responsibilities. Mr. Redden informed the commission that since the policy was implemented last July, there had been numerous memorandums sent to the districts stressing that invoices excess of \$500 had to be accompanied by a cancelled check or other program approved documentation. Mr. Redden stated that in a few instance districts had contacted the program office asking what they should do when a landowner paid a bill in excess of \$500 in cash. Staff told the districts that the landowner needed to return to the vendor and correct the payment with a check, cashiers check, or similar form of payment. Mr. Redden informed the commission that he had offered that if this landowner returned to the vendor and corrected the form of payment, the claim would be processed.

When asked if the original invoice was marked paid in cash, Mr. Redden answered it was. Kathryn Braden asked if the total components totaled \$472.75, Mr. Redden answered the invoice was for \$977, and the actual components used were less. Ms. Braden asked if the landowner had just had the components on a separate ticket that stated paid by cash would that have been acceptable, Mr. Redden answered that would be acceptable. Richard Fordyce asked if the landowner had crossed out the other components on the invoice, Mr. Redden answered no they were all listed. Mr. Fordyce asked if the ones not related to the claim were listed; Mr.

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Redden answered that the ones that they paid on were listed on the application. Mr. Fordyce asked if the cost-share components were \$472.75, why was there an issue, and Mr. Redden answered that because the invoice exceeded the \$500. Mr. Fordyce stated that the invoice had items on it that did not related to the practice. Mr. Redden stated that if the commission wanted to change their policy, staff could review them differently. Mr. Redden stated the original thought was to tell the landowner if the invoice exceeds \$500, a cancelled check is needed.

Kathryn made a motion to maintain current policy and request the landowner to correct the method of payment so the program office can process the claim. It was the consensus of the commission to maintain current policy.

3. Special Area Land Treatment (SALT) - Continued

a. Scott SWCD – DSL-15 – Pre-Erosion Below Tolerable Soil Loss

April Brandt presented an appeal from Scott SWCD for two claims for DSL-15 No-Till Systems that were denied because the land did not have soil loss above tolerable rates.

A DSL-15 No-Till System is a demonstration of farming with residue management. The commission limit on this type of system is not to exceed \$15 an acre, for a maximum of 40 acres in any one federal fiscal year.

SALT rule 10 CSR 70-8.020 states that, “the land upon which the practice is to be implemented or constructed must improve, maintain, or protect water quality due to agricultural nonpoint source pollution concerns.”

Cost-share policy states that application for cost-share assistance will only be approved when the land upon which the practice is being installed is experiencing erosion at a rate greater than the tolerable soil loss limit, or is experiencing active gully erosion, or is otherwise exempt from excessive erosion requirements, as allowed by the Cost-Share Rule (10 CSR 70-5.020).

The applications that were received had a “T” on the field of 0 and pre and post-installation sheet and rill erosion rates of 0. The district was contacted and stated the correct “T” value was five, pre-installation one and post-installation value 0. The field must be experiencing erosion at

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rates greater than the tolerable sheet and rill soil loss limits. The claims were denied by the program and returned to the district on June 14, 2005.

In an appeal letter dated June 17, 2005, the district indicated the DSL-15 practice was originally placed on the practice list by recommendation of the North Cut SALT Steering Committee to improve water quality in the North Cut watershed. The letter also stated that the No-Till Systems were completed in good faith by the landowners and approved by the board.

The district has stated the since these practices were done as a AgNPS SALT project, they felt the practices could be done to benefit water quality and would not have to meet the soil loss requirements under the Regular Cost-Share Program guidelines.

It was noted that the board approved three DSL-15 claims in FY03 for fields not experiencing erosion at rates greater than "T". The claims were paid due to an oversight by the program office and the amount paid was \$1,794.

The Cost-Share Handbooks states, that errors in calculations, misunderstanding, and lack of knowledge about the commission's policies can result in overpayments to landowners. Though program staff reviews the claims, they might not find every error. It also states if an overpayment is made, the districts must contact the landowner and request repayment in one of two ways. One way is to have the landowner write a check within 30 days of notification. The other is if the landowner signs up for future cost-share practices, allow them to install the new conservation practice according to the conservation plan, and have the cost-share payment for the new practice withheld in the amount of the overpayment. If the landowner chooses this option, they have to apply for another practice within one year of notification of overpayment. If the board does not approve an application for a practice within the year, the landowner will have 30 days from the end of the one-year grace period to repay the state.

Ms. Brandt stated that staff found four instance where an appeal had been presented for a DSL-15 No-Till System that was not eroding above "T". One appeal was approved and three were denied.

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The SALT rule states that, “the land upon which the practice is to be implemented or constructed must improve, maintain, or protect water quality due to agricultural nonpoint source pollution concerns.”

Kathryn Braden stated that district and program staff made errors and payments were made. Ms. Brandt stated that was correct on the three previously paid. Leon Kreisler stated that in a previous case the county was penalized for making an error. Mr. Kreisler asked if this did not happen on SALT projects; Sarah Fast answered that the commission did not have that policy on the DSL-15 practice. Ms. Fast informed the commission that they could apply it to this if they wished to.

John Aylward made a motion to reduce the district’s appropriation by the amount paid. Kathryn Braden seconded the motion.

When asked how this would work, Ms. Fast stated that the district’s SALT cost-share would be reduced by that amount. Ms. Fast stated that SALT cost-share would not be as big of an issue as it is with regular cost-share, but the district would know that the commission felt strongly about the issue. Richard Fordyce asked Ms. Fast if this could be done; Ms. Fast stated that it could be done. She stated she assumed this meant to allow the three to stand and pay the additional two, but take the total amount and deduct it from the district’s remaining SALT cost-share funds. When asked about the issue of water quality, Ms. Brandt stated it met the water quality standards for NRCS.

A poll vote was taken. John Aylward, Kathryn Braden, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and Richard Fordyce voted against the motion. The motion passed.

F. REQUESTS - Continued

1. Land Assistance Section

a. Cost-Share

1. Cole SWCD – Cost-Share on Rip-Rap on an Existing Lake

Marcy Oerly presented a request from the Cole SWCD asking the commission to provide cost-share assistance to install rock rip-rap to repair the dam of a landowner’s lake that was experiencing berm erosion due to the wave action of the water.

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In a letter dated March 30, 2005, the district stated that Mr. Matt Baumhoer owns a 17-acre lake that was built 40 years ago and was now experiencing berm erosion due to the wave action. Mr. Baumhoer attempted to control the problem by placing concrete and rock along the edge, but his attempts were not successful. Because Mr. Baumhoer wanted to stop the erosion, he contacted the district board and NRCS for assistance. The NRCS area engineering staff did a site visit of the lake, and concluded that in order to control the erosion, rock rip-rap would need to be installed in four-foot wide and two-foot deep sections along the entire 500 feet of the berm. The estimated cost was \$14,100 for the 1,175 ton of rock needed. The letter also stated that if the commission approved the request they would limit Mr. Baumhoer to \$4,500 because that is what they allow for new pond construction in their county.

Ms. Oerly pointed out that the commission did not have a practice that would cover the board's request. The commission's rules and statutes address only sheet, rill, and gully erosion, not wave action erosion. Ms. Oerly stated this was the first request received for cost-share assistance to help control berm erosion on a lake.

Mr. Baumhoer stated that he was the owner of the lake in question. Zora Mulligan asked how the lake was used for agricultural purposes; Mr. Baumhoer answered that he had cattle that drank from the lake. Kathryn Braden asked how many of his acres were agricultural, and Mr. Baumhoer answered that he had 110 acres, which included the 20 acres for the lake. When asked what the original purpose of the lake was, Mr. Baumhoer stated that his father-in-law had built it about 45 or 47 years ago for people to fish. Roger Hansen stated that several years ago their area engineer looked at the lake at the request of the landowner to see what some options were to fix the problem. Mr. Hansen stated that if NRCS became involved the cost to meet NRCS specification could be quite costly. Mr. Hansen stated that for the dam to meet NRCS standards and specifications, it would probably involve more than hauling

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in rock and that would raise the cost. John Aylward stated he did not see how this would fit into any of the programs that the commission had.

It was the consensus of the commission to maintain current policy.

Mr. Aylward asked if the Missouri Department of Conservation had anything that would help the landowner; Brad McCord answered that he was not aware of any funds that were available for this type of problem.

2. Dade SWCD - Exception to the Commission's \$60/Acre Policy on the DSP-3.

Marcy Oerly presented a request from the Dade SWCD for a variance to commission policy to allow a landowner to exceed the \$60 per acre limit on the DSP-3, or Planned Grazing System practice.

In a letter dated June 21, 2005, the district stated an error was discovered when preparing a FY05 DSP-3 claim for payment. During the review of the claim the district clerk mistakenly included components under the \$3,500 well limit that actually should have been included under the \$60 per acre limit. Due to the error, the amount the landowner was eligible to receive for their FY05 DSP-3 application was over by \$776.25. The program staff informed the district that they could approve the claim but would take the \$776.25 from their FY06 allocation. The district wanted to take the funds from their FY05 allocation rather than their FY06 allocation, which is why the commission was reviewing the request.

Leon Kreisler made a motion to approve the request but reduce the district's FY06 cost-share allocation by the overage amount. Kathryn Braden seconded the motion. When asked by the chair, John Aylward, Kathryn Braden, Richard Fordyce, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

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Ms. Oerly stated that given the commission's decision, and to avoid future confusion, staff proposed clarifying policy to state that any cost-share for a DSP-2 or DSP-3 practice that was approved in error would be deducted from the district's current fiscal year allocation until March 31, which is the end of the third quarter of the fiscal year. After that, if an error would occur, cost-share would be approved and taken out of the next fiscal year's allocation.

Ms. Oerly asked if the commission was agreeable to that. The commission agreed.

3. Reynolds SWCD – Exceeded the 48 Month Policy to Complete Practice

Joyce Luebbering presented an appeal from Reynolds SWCD requesting the commission provided cost-share assistance on a DSP-2 Permanent Vegetative Cover Enhancement Practice when the landowner exceeded the four-year consecutive policy set for the practice.

Cost-share policy states, "Cost-share authorized under this practice must be certified completed by NRCS four years from the day the board approved the initial claim."

On April 22, 2005, a DSP-2 claim was approved for Dennis Hill. When program staff reviewed the claim, they found that on May 4, 1990 Mr. Hill was paid for a DSP-2.

In a letter from the board, the district office had no record of the previously completed DSP-2 practice, because the district office was destroyed in November 1993 and all their records were lost. The board stated that in the future they would contact the program office to check to see if a landowner has had a previous DSP-2.

Ms. Luebbering pointed out that the DSP-2 is a demonstration practice to show the effects of introducing legumes by no-till. The practice is eligible only on land where there is no excessive soil loss. As a demonstration

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practice, the commission established a four-year consecutive policy, with the intent the landowner would want to continue beyond that at his or her own expense.

When asked if a notice was sent to the district informing them that they could check with the program staff regarding landowners, Ms. Luebbering answered that a memo went out to all the districts informing them that if they had questions they could contact the program. When asked what the acreage was, Ms. Luebbering stated that for the current claim the amount of acreage was 34.5 and the one in 1990 was 39 acres. Elizabeth Brown stated she recommended that the districts contact the program office for records if they are not sure.

Leon Kreisler made a motion to approve the board's request. John Aylward seconded the motion. When asked by the chair, John Aylward, Kathryn Braden, Richard Fordyce, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

G. FOLLOW-UP

1. Streambank Stabilization

Zora Mulligan reported that she had reviewed the streambank erosion pilot proposal submitted by Ron Hardecke and the Missouri Farm Bureau with the commission's former counsel from the Attorney General's office and the unit chief of the Attorney General's office's Agriculture and the Environment Division. Based on that review, Ms. Mulligan concluded that funding this particular proposal would be an appropriate exercise of the commission's constitutional authority.

Sarah Fast stated that a follow up report was not available, because they were waiting to hear from the Corp of Engineers. Bill Wilson informed the commission that staff had been in contact with Mr. Hardecke and Leslie Holloway and is waiting for additional information. Mr. Wilson also stated that the University of Missouri had been contacted about their options. Ms. Fast stated that they were still looking at a research proposal option.

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2. Review Commission Meetings

Sarah Fast stated that the commissioners were provided with a copy of a letter that was presented to them at the previous meeting. Ms. Fast stated there were three meetings remaining for the review commission. The dates for the remaining were July 15, 2005, in Springfield, July 22, 2005, in Cape Girardeau, and July 29, 2005, in Kirksville. Ms. Fast stated that at the last meeting Elizabeth Brown indicated that she planned to attend one and Kathryn Braden stated she intended to attend the Springfield meeting. Ms. Fast asked if the commission wanted to make a commission policy response jointly.

Ms. Brown stated she would not feel comfortable speaking for the commission unless the body as a whole had some response. Ms. Fast stated that this was the time if the commission wished to do that or if they wished to speak individually, or as a body. Ms. Brown stated it seemed to her that the commission worked very well under the Department of Natural Resources so why change it. John Aylward agreed with Ms. Brown. Ms. Braden stated she felt that the commission should take a stand and make a presentation. Richard Fordyce stated that he was in favor of staying within the Department of Natural Resources, and one of the items that would be arguable was that the main funding source is split between State Parks and Soil and Water Conservation. Leon Kreisler stated he agreed with Mr. Fordyce and he had not heard of any good reason to move. Ms. Brown asked if this idea had come up before, and Ms. Fast answered that before the 1970s the commission was a stand-alone commission associated with the University of Missouri. Ms. Fast stated that in the early 1990s there was legislative discussion of moving the program to the Department of Conservation.

Ms. Brown asked if all the meetings needed to be attended; Ms. Fast answered that it was up to the commission. Mr. Fordyce asked if the commission could approve a document stating the commission was in favor of remaining with the Department of Natural Resources because it would be the most efficient area for the program and the commission. Ms. Brown stated she thought that was a very good suggestion.

Richard Fordyce made a motion to approve a document stating the commission and program was in favor of remaining with the Department of Natural Resources. Kathryn Braden seconded the motion. When asked by the chair, John Aylward, Kathryn Braden, Richard Fordyce, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

When asked if the letter would be sufficient or if the commissioners still needed to be present at the meeting, Ms. Fast answered that was up to the commission.

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Ms. Braden stated she would be present at the Springfield meeting but on other business. Mr. Aylward stated he would appear at the Kirksville meeting on behalf of the commission. Ms. Fast stated that a letter would be drafted and sent out to the commissioners.

H. REPORTS

1. MASWCD

Steve Oetting informed the commission that there would be a North Central Meeting of the NACD at Fort Wayne, Indiana, in July. He reminded everyone about the Envirothon that would be going on also in July. Also the NACD budget meeting will be held in Florida in July.

2. University of Missouri

David Baker informed the commission that most recent copy of MOMentum was at the table and it had a photo and article regarding Elizabeth Brown receiving the Ag Alumni award.

Mr. Baker stated that the university was preparing for Field Days at the various research centers/farms. The first of these Field Days is scheduled for August 4, 2005, at the Greenley Research Center. Mr. Baker pointed that that date was also the next scheduled commission meeting, and he extended an invitation to the commission to meet on campus and tour the Life Science Center.

Elizabeth Brown thanked Mr. Baker for the invitation and felt it would fit within their program to go and tour and accepted the invitation. Ms. Brown asked if August 4 was a good time for the commissioners to attend a meeting. John Aylward stated he would not be able to attend. The rest of the commissioners indicated they could attend.

3. Missouri Department of Conservation (MDC)

Brad McCord stated that MCD had worked with about eight Soil and Water Conservation Districts recently to help purchase eight warm season grass drills for conservation districts and additional partners. The locations for the drills were Callaway, Johnson, and Lafayette will share one, Platte and Clay will share one, Caldwell, Linn, Barton, McDonald and Newton will share one, Franklin, Crawford, and Washington will share one, and Wright.

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4. Staff Report

Bill Wilson indicated he wanted to discuss the Area Meetings that were going to be held in August. Mr. Wilson reminded the commission that a schedule was handed out at the last meeting with the dates and places. Mr. Wilson asked that if possible, that commissioners attend at least one of the meetings. Mr. Wilson stated that at each Area Meeting, the attending commissioner gives an update on activities of the commission, program, and other items the commission wishes to cover. At that time, Mr. Wilson asked which dates commissioners could attend. The meetings run from 10:00 to 3:00. The meetings are August 15, in Warrenton – Elizabeth Brown stated she would attend, August 16, in Jackson – Mr. Wilson stated he would check with Commissioner VanAusdall, August 17, in Rolla – Leon Kreisler stated he would attend, August 18, in Springfield – Kathryn Braden stated she would attend, August 22, in Macon – John Aylward stated he would attend, August 23, in Chillicothe – Richard Fordyce stated he would attend, August 24, in Savannah – Richard Fordyce stated he would attend, and August 25, in Sedalia – Kathryn Braden stated she would attend.

Mr. Wilson proceeded to review a list of proposed topics to be included in the commissions speaking points. Mr. Wilson asked if the commission had any other topics they wanted included. No other topics were added at this time. Ms. Brown added that the program would send comments for the commissioners to make, but the comments can be put in the commissioner's own words. Ms. Brown also pointed out that the message should be the same all over the state.

Milt Barr presented an update of the ongoing activities since the May meeting regarding the Soil and Water Information Management System Project.

There was a meeting yesterday of the steering committee, Division project manager and the new Information Technology Support Division (ITSD) Director and staff to review the project planning before the start up.

The ITSD Director and staff indicated that there was considerable work already being done on the project plan by his staff and the contractor. He indicated that due to the Information Technology Consolidation he would be able to have some of his staff work on the project. The department staff, which included the project manager, has since re-estimated the total hours of work for the project including the ITSD staff. The contractor portion of the work will be 20 percent less than the estimated amount of 10,099 hours. It is estimated that the department employees would do approximately 33 percent of the development work with the remaining

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67 percent done by the contractors. This should help use all available resources more efficiently for the project work.

In addition to the contractor development work for the project, the state now requires that every project also use a separate state approved contractor for oversight of the project. Ciber Inc., is the approved state contractor for the oversight work for our project. Their fees are 10 percent of the total cost of the project and are over and above the cost of the development work. They will provide periodic reports to the steering committee and department management concerning oversight and efficiency and any problem areas.

The planning will include selected district office participation in the user group reviews as needed and hopefully a system demonstration workshop at the Annual Training Conference in December and at some point a website for review of project activities and examples.

The timeline for the project is currently planned for nine months, starting early in July 2005 and completed at the end of March 2006.

Mr. Barr stated they would continue to provide updates to the commission whenever possible.

Sarah Fast informed the commission that she had received a phone complaint about the cancelled check policy from a landowner in Perry County. The landowner did not wish to put his complaint in writing, but he asked Ms. Fast to let the commission know of his complaint. Ms. Fast stated that there had been about four or five letters from districts about the cancelled check policy.

Ms. Fast pointed out that in the packet was a copy of a letter from former commissioner Luebbering.

Dean Martin reported that he had two, and possibly three, new soil scientists starting in the Soil Science Section. Mr. Martin stated that Amber Marshaus would be in the Macon office and Michael Wyatt would be in the Poplar Bluff office. There is another person that might be starting in the Macon office if some details can be worked out. According to Mr. Martin, that would leave one position vacant in the Poplar Bluff office.

Peggy Lemons gave an update on the Envirothon that will take place in Springfield. She reported that they have about 215 to 225 volunteers lined up for the event. She also stated that all the contracts were in place and all the donations

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were in the bank except for one. Ms. Lemons stated she felt things were going very well.

Sarah Fast stated that there had been a follow up question on the Scott County DSL-15 issue regarding the payment of the claims. Ken Struempf stated the three claims were from 2002, which was prior to the commission having any policy penalizing the district.

Richard Fordyce asked what fiscal year the three previous claims were paid in, and Mr. Struempf answered fiscal year 2003. Ms. Brown stated that as long as the commission understood this, they were ok. Ms. Fast stated that was correct, they just wanted the commission to be aware.

I. REQUESTS – Continued

1. Land Assistance Section

a. Cost-Share

1. Ray SWCD – Assistance From the Commission in Recovering a Cost-Share Repayment Resulting From a Maintenance Violation

Ron Redden presented a request from Ray SWCD requesting the commission review a maintenance violation on a Water Impoundment Reservoir (DWC-1).

Commission policy states, “that the district board that approves the cost-share claim has the responsibility to follow-up on cost-share practices to see that they are maintained for the life of the practice. Practices not maintained by the landowner cannot perform their intended function, and the landowner is not complying with the maintenance agreement as stated on the application.”

“The landowner shall be responsible for the practices constructed with assistance from the Cost-Share Program and the landowner will be expected to maintain the same in good operating condition to assure their continued effectiveness for the purpose for which they were installed.”

The application which the landowner signs requesting cost-share assistance, to install a soil erosion control practice, contains an agreement statement which basically states: “the landowner understands that the practice must be properly maintained, and that if a project is removed, altered, or modified so as to lessen its

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effectiveness, without consent of the Soil and Water Conservation District board of supervisors, for the expected life of the project, the landowner shall refund the state cost-share funds used for the practice..”

On February 10, 2003, the Ray SWCD approved the landowner’s cost-share assistance application. Mr. Redden informed the commission that the life span for the practice was 10 years. On April 21, 2005, NRCS certified the practice as meeting specifications and on April 25, 2003, the claim was approved for payment. On April 25, 2003, the landowner also signed an agreement to maintain the practice for 10 years. On October 6, 2004, the violation was first noticed and noted in the NRCS Conservation Assistance Notes. On October 14, 2004, the board sent a certified letter asking the landowner to correct the violation. Attempts to make contact with the landowner were made between October 6, 2004 and June 8, 2005. On December 9, 2004, NRCS discussed the violation with the landowner, informed him he had until May to grade, shape, re-seed, and mulch the damaged area. Then on May 12, 2005, the landowner was notified by letter that he had 30 days to correct the violation, and if by June 13, 2005, the violation was not corrected he would have to repay \$6,943.75, which was the prorated amount of cost-share funds received. The letter also informed the landowner that if he failed to comply with one of the two options the matter would be referred to the commission. In a letter dated June 16, 2005, the landowner was informed that the request from Ray SWCD would be heard by the commission at the June 30, 2005 meeting.

Zora Mulligan asked if the local commission had made any effort to contact the landowner in any other way beside certified mail or by phone; Mr. Redden answered that the district had talked to him and faxed things to him at his place of employment. Mr. Redden pointed out that the landowner went to the district office and talked to them. Kathryn Braden pointed out that the landowner had missed a board meeting that he said he would be at. Leon Kreisler asked if there was a reason why the three certified letters were returned, and Mr. Redden answered that the landowner would not sign for them. Richard Fordyce asked about clarification on the amount to be paid back, and Mr. Redden stated he would check on that.

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Kathryn Braden made a motion to uphold the board of supervisor's decision. Richard Fordyce seconded the motion.

Ms. Braden asked that with that decision, the landowner would have 30 days to correct the problem or repay the cost-share before the Attorney General's Office would contact him; Mr. Redden answered that he had 30 days to either repay the money or get the practice up to meeting NRCS specifications.

When asked by the chair, John Aylward, Kathryn Braden, Richard Fordyce, Leon Kreisler, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

J DATE OF NEXT MEETINGS

The date of the next commission meeting was set for Thursday, August 4, 2005, at the University of Missouri in Columbia, Missouri.

K. ADJOURNMENT

Richard Fordyce moved the meeting be adjourned. Kathryn Braden seconded the motion. Motion approved by consensus at 1:10 p.m.

Respectfully submitted,

Sarah E. Fast, Director
Soil and Water Conservation Program

Approved by:

Elizabeth Brown, Chairman
Missouri Soil & Water Districts Commission

/tm